



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

APPLICATION 20697

PERMIT 13798

LICENSE 8007 <sup>Notice of Change (Over)</sup>

THIS IS TO CERTIFY, *That*

GEORGE W. VIVION  
RACKERBY, CALIFORNIA 95972

HAS made proof as of JUNE 21, 1967 (the date of inspection)  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
AN UNNAMED STREAM IN YUBA COUNTY

tributary to JACK SLOUGH THENCE FEATHER RIVER

for the purpose of IRRIGATION USE  
under Permit 13798 of the Board and that the right to the use of this water has been perfected in  
accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of  
this right dates from APRIL 4, 1962 and that the amount of water to which this right is  
entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall  
not exceed ONE AND TWENTY-FIVE HUNDREDTHS (1.25) CUBIC FEET PER SECOND TO BE DIVERTED  
FROM ABOUT APRIL 1 TO ABOUT NOVEMBER 1 OF EACH YEAR.

THE EQUIVALENT OF SUCH CONTINUOUS FLOW ALLOWANCE FOR ANY THIRTY-DAY PERIOD  
MAY BE DIVERTED IN A SHORTER TIME IF THERE BE NO INTERFERENCE WITH OTHER VESTED  
RIGHTS.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

- (2) NORTH 1,500 FEET AND EAST 2,250 FEET FROM SW CORNER OF SECTION 10, T16N, R4E, MDB&M, BEING WITHIN NE1/4 OF SW1/4 OF SAID SECTION 10,
- (3) NORTH 1,320 FEET AND EAST 1,800 FEET FROM SW CORNER OF SECTION 10, T16N, R4E, MDB&M, BEING WITHIN NE1/4 OF SW1/4 OF SAID SECTION 10 AND
- (4) NORTH 750 FEET AND EAST 2,000 FEET FROM SW CORNER OF SECTION 10, T16N, R4E, MDB&M, BEING WITHIN SE1/4 OF SW1/4 OF SAID SECTION 10.

A DESCRIPTION OF LANDS OR THE PLACE WHERE  
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

15 ACRES WITHIN NW1/4 OF SW1/4 OF SECTION 10, T16N, R4E, MDB&M  
40 ACRES WITHIN NE1/4 OF SW1/4 OF SECTION 10, T16N, R4E, MDB&M  
10 ACRES WITHIN SW1/4 OF SW1/4 OF SECTION 10, T16N, R4E, MDB&M  
35 ACRES WITHIN SE1/4 OF SW1/4 OF SECTION 10, T16N, R4E, MDB&M

100 ACRES TOTAL

1-13-76 Records abgd to show Nevada Industries  
Inc., as owners  
3-29-83 Abgd to Vivion Ranch

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUN 24 1968

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward  
Chief, Division of Water Rights

1088 MTB

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**STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD**

**DIVISION OF WATER RIGHTS**

**ORDER**

**ORDER APPROVING CHANGE OF POINT OF DIVERSION AND  
PLACE OF USE, ADDING ENDANGERED OR THREATENED SPECIES  
TERM, AND THE CONTINUING AUTHORITY TERM**

**Application 20697    Permit 13798    License 8587**

**WHEREAS:**

1. License 8587 was issued to George W. Vivion on June 24, 1968 pursuant to Application 20697.
2. License 8587 was recorded with the County Recorder of Yuba on July 1, 1968 in Book 469, Page 349.
3. License 8587 was subsequently assigned to Nevis Industries, Inc., the Vivion Ranch, and finally to Adrienne and Keith Provo.
4. A petition to change the points of diversion and place of use has been filed with the State Water Resources Control Board on January 3, 1991.
5. The licensee has proceeded with diligence and good cause has been shown for said changes.
6. Fish and Wildlife species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term should be placed in the license making the licensee aware of possible obligations resulting from these acts.
7. The license term relating to the continuing authority and water quality objectives of the SWRCB should be added to conform to section 780, title 23 of the California Code of Regulations.

**NOW, THEREFORE IT IS ORDERED THAT:**

1. The Points of Diversion are amended to read:

Number 1 – South 50 feet and East 1,650 feet from the NW corner of section 10, T16N, R4E, MDB & M; within the NE ¼ of NW ¼ of said section 10.  
California Coordinate System: Zone 2, N 582, 550 and E 2, 137,600.

Number 2 – South 1,300 feet and East 1,050 feet from the NW corner of section 10, T16N, R4E, MDB & M; within the NE ¼ of NW ¼ of said section 10.  
California Coordinate System: Zone 2, N 581, 300 and E 2,137,000.

Number 3 – South 2,750 feet and East 2,550 feet from the NW corner of section 10, T16N, R4E, MDB & M; within the NE ¼ of SW ¼ of said section 10.  
California Coordinate System: Zone 2, N 579, 850 and E 2,138,500.

Number 4 – South 3,150 feet and East 2,400 feet from the NW corner of section 10, T16N, R4E, MDB & M; within the NE ¼ of SW ¼ of said section 10.  
California Coordinate System: Zone 2, N 579, 450 and E 2,138,350.

2. The Place of Use is amended to read:

100 net acres within a gross of 415.8 acres described as follows:

- 13.6 acres within the SE ¼ of Section 9, T16N, R4E, MDB&M;
- 62.2 acres within the NW ¼ of Section 10, T16N, R4E, MDB & M;
- 85.2 acres within the NE ¼ of Section 10, T16N, R4E, MDB & M;
- 138.2 acres within the SW ¼ of Section 10, T16N, R4E, MDB & M;
- 116.6 acres within the SE ¼ of Section 10, T16N, R4E, MDB & M;

3. If water is diverted in any one year from the points of diversion authorized under this license to irrigate more than 100 acres within the 415 gross area covered under this license, licensee shall either purchase water for excess acreage from an irrigation district or shall serve the excess acreage with groundwater wells. Licensee shall maintain a monthly record of the amounts purchased or of the amounts pumped from groundwater of wells to serve the excess acreage and submit these records with the triennial report licensee. If water is purchased, a copy of a valid annual contract can be submitted in lieu of the monthly records.

4. The continuing authority condition, is hereby added to the license:

Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board (SWRCB) in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

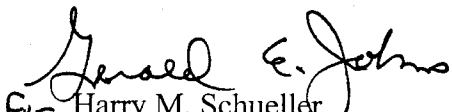
The continuing authority of the SWRCB may be exercise by imposing specific requirements over and above those contained in this permit with a view to eliminating wastewater and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient

restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

5. The endangered species condition, is hereby added to the license;

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 and 1544). If a "take" will result from any act authorized under this water right, the permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

Dated: OCT 27 1999

  
for Harry M. Schueller  
Division of Water Rights

**STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD**

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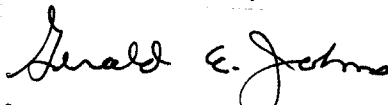
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